IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

OP.No. 37602 of 2001(B)

PETITIONER:

R.LEELA, AGED 56 YEARS,
D/O.RAMAN VYDHYAR,
KIZHAKKEMANIYALIL,
HOUSE, KEEZHILLAM P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.T.A.UNNIKRISHNAN

RESPONDENT:

THE SUB TREASURY OFFICER,
SUB TREASURY, KOLENCHERY.

BY GOVERNMENT PLEADER SRI. D. ANIL KUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

O.P. No. 37602 OF 2001 B

Dated this the 21st day of December, 2006

J U D G M E N T

The petitioner, a lady, retired from service of the Government of Kerala on 31.5.2001 as a Sales Tax Officer. Although the entire retirement benefits due to the petitioner were sanctioned, only 25% of the sanctioned amount was released to the petitioner and the remaining 75% was compulsorily deposited in the Treasury savings bank. The petitioner submits that she is indebted to two banks and she does not have any other source of income to pay off the loan amounts. Therefore, the petitioner seeks a direction to the respondent to permit the petitioner to withdraw the amounts covered by Ext.P1 forthwith.

2. No counter affidavit has been filed in this original petition. The Government Pleader has sought time to file a counter affidavit. However, I am not inclined to grant any further time since the original petition was filed on 12.12.2001 and this came up for hearing on 10.3.2006, 29.11.2006 and 14.12.2006. On 14.12.2006, I had adjourned the case to 18.12.2006. In such circumstances, no further time can be granted for this purpose.

3. The retirement benefits of the petitioner would not be of

much use to the petitioner if she could not use the same for paying off her liabilities towards repayment of loan amounts. Therefore, I allow the original petition and direct the respondent to permit the petitioner to encash the amount covered by Ext.P1 term deposit certificate. This shall be done so as to enable the petitioner to get the amounts, within a period of two months from the date of receipt of a copy of this judgment.

(S. SIRI JAGAN, JUDGE)

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S. SIRI JAGAN , J.

OP No.37602/01 B

J U D G M E N T

21st December, 2006